THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1870 of 2006

DATED: 01.02.2006

Between:

Smt.N.S.L.Devi, E-358968,

Conductor, Mehdipatnam depot

… Petitioner

and

A.P.S.R.T.C, rep by its

Depot Manager, Mehidipatnam Depot, Hyd. … Respondent.

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ORDER:

The petitioner is working as conductor on casual basis in the Mehdipatnam depot. It was alleged that the petitioner collected fare of Rs.2 from a passenger and on noticing the inspection team, she reissued a ticket of the denomination of Rs.4/- to the said passenger. The petitioner was issued a charge memo dated 26.9.2005 and the charge sheet dated 20.10.2005. The petitioner submitted explanations to both of them. An enquiry officer was appointed and he in turn submitted his report on 15.12.2005 holding that the charge leveled against the petitioner is proved. Through letter dated 24.12.2005, the respondents furnished copy of the enquiry report to the petitioner and she in turn offered her comments on 27.12.2005. Thereafter, the respondent issued a show cause notice dated 16.1.2006. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondents.

It is urged on behalf of the petitioner that the allegation against her is not serious in nature and the action indicated in the show cause notice is too harsh. It is further contended that the proposed punishment of deletion of the name of the petitioner from the selected list of the conductors is not provided under the regulations.

This Court is not inclined to entertain the writ petition at this stage. Interference with the show cause notice is very rare, except in cases, such as where the authority, who issued the show cause notice, does not have the jurisdiction. In the instant case, all the prescribed steps have been followed, before the show cause notice is issued. It is not alleged that the respondent does not have the jurisdiction to issue the show cause notice. Petitioner can be said to have suffered any detriment, if only any order, adverse to her interests are passed. There is no reason to believe that the respondent would not take the explanation that may be submitted by the petitioner,

into account. At any rate, the petitioner can prosecute her remedies if any final order is passed against her.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to submit her explanation to the show cause notice and to avail such remedies as are open to her in case any final order is passed by the respondent detriment to the interest of the petitioner. Petitioner is granted time till 05.02.2006 to submit her explanation, if she has not submitted so far.

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01.02.2006.

Note:

Issue C.C.in three days.

B/o.

Mdaa.